

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASEY TAYLOR, et al.,

Plaintiff,

v.

BURLINGTON NORTHERN
RAILROAD HOLDINGS, INC., et
al.,

Defendants.

CASE NO. C11-1289JLR

ORDER ON REMAND
FOLLOWING APPEAL

Before the court is the opinion and mandate of the Ninth Circuit Court of Appeals
(1) affirming in part and vacating in part the court's orders granting Defendant BNSF
Railway Company's ("BNSF")¹ motion for summary judgment; and (2) remanding to

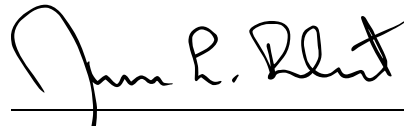
¹ Plaintiffs originally named both BNSF Railway Company and Burlington Northern Railroad Holdings, Inc., as defendants in this matter; however, in their agreed pretrial order the parties informed the court that "the caption of this case should be amended to reflect that the plaintiffs' claims are against defendant BNSF Railway Company only." (Prop. PTO (Dkt. # 59) at 2.) Accordingly, the court dismissed all claims against Burlington Northern Railroad Holdings, Inc., with prejudice. (See MSJ Order at 1 n.1.)

1 this court for further proceedings. (9th Cir. Mem. Op. (Dkt. # 84); 9th Cir. Mandate
2 (Dkt. # 88); *see also* 2/17/16 Order (Dkt. # 53); 3/7/16 Order (Dkt. # 64).)

3 The Ninth Circuit affirmed the court's grant of summary judgment on Plaintiffs
4 Casey Taylor and Angelina Taylor's (collectively "Plaintiffs" or "the Taylors") back and
5 knees claim under the Washington Law Against Discrimination ("WLAD") and vacated
6 the court's grant of summary judgment on the Taylors' obesity claim under WLAD.²
7 (*See* 9th Cir. Mem. Op. at 6.) The court therefore VACATES the judgment in this case.
8 (*See* Judgment (Dkt. # 65).)

9 The court further ORDERS the parties to file, within 14 days of the filing date of
10 this order, a joint status report proposing how the court should proceed on remand. The
11 parties should attempt to agree in good faith on a unified approach. If they cannot so
12 agree, they may outline their disparate suggestions in the joint status report.

13 Dated this 28th day of May, 2020.

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16 JAMES L. ROBART
17 United States District Judge
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22 ² The court granted BNSF's motion for summary judgment in part and reserved ruling in
part on February 17, 2016. (*See* 2/17/16 Order at 53.) The court granted the remainder of
BNSF's motion for summary judgment on March 7, 2016. (*See* 3/7/16 Order at 4.)